

REMARKS

Claims 6 through 23 are in the application. These claims have been allowed. Accordingly, it is Applicant's position that all issues have been resolved and the application is now in condition for allowance.

The following references have been cited in a German Patent and Trademark Office Examination Report dated January 29, 2004. As these references are filed more than three months after the citation, Applicant attaches the necessary Government Fee for consideration.

DE 43 27 397 A1 discloses a hospital bed with an air handling device. The reference discloses an arrangement where cold air is supplied in different manners by air entry regions in the room but not by the device itself. The reference fails to suggest features of the invention including the ability to provide layered air streams with reduced enthalment as according to the present invention. No full translation of this reference is available to Applicant at this time. It is noted that in Germany a patent has issued and is it believed that DE 43 27 397 A1 clearly fails to teach and clearly fails to suggest the features of the invention as now claims.

U.S. 6,036,634 has also been cited in the German Examination Report. This reference has already been cited in the U.S. proceedings and this is a continuation of U.S. 5,759,149 cited at page 2 of the present application.

U.S. 2002/0143233 A1 has been cited in the German Examination Report. This is similar to the above referenced U.S. patent, namely it is a continuation of a similar application of the same patentee (U.S. 5,453,077 and U.S. 5,971,914).

DE 34 30 089 C2 has been cited in the German Examination Report. The reference discloses a method and apparatus for insulating selected areas from the surrounding atmosphere with clean-room air. This reference also does not cover the recirculating of the condition air as according to the invention. Further, the temperatures and humidities involved are different. Applicant attaches an English language abstract for this German document and notes that U.S. 4,742,764 is a related English language document.

Consideration of each of these references is requested. As mentioned above, after the issuance of the German Examination Report noted above, the German patent has issued.

It is noted that a U.K. Patent Office Combined Search and Examination Report was issued dated August 18, 2004. This only cited U.S. 2002/0143233 A1 discussed above. It is noted that in the U.K. proceeding a patent grant is expected in the near future.

As the prior art as a whole fails to suggest the combination of features claims, it is requested that the claims be allowed as now presented.

Favorable consideration is requested.

Respectfully submitted
for Applicant,

By: 
John James McGlew
Registration No. 31,903
McGLEY AND TUTTLE, P.C.

JJM:jms
Enclosed: Credit Card Payment Form
PTO 1449 Form

71228.9

DATED: August 11, 2005
McGlew and Tuttle, P.C.
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
0410.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH
THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL IN AN ENVELOPE
ADDRESSED TO:

COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450,
EXPRESS MAIL NO. EV436437607US.

McGЛЕW AND TUTTLE, P.C.

BY: Jonathan Fonte DATE: August 11, 2005